

## **SECTION 10.35: UNEMPLOYMENT CLAIM PROCESS**

**Last Update: 7/12**

### **CLAIMS PROCESSING STEPS**

- Former employee files claim for benefits with Iowa Workforce Development (IWD). If the employee has sufficient base period wages to establish a claim, IWD will send a notice of claim to Employers Edge for agencies that participate in the State's administrative services contract with Employers Edge. The notice will be mailed directly to agencies that do not participate in the contract. Participating agencies should contact Employers Edge immediately if they mistakenly receive a claim notice. The telephone number for Employers Edge is (877-235-EDGE (3343) x112.
- Based upon information provided on the Notice of Separation of Employment form, Employers Edge will, for participating agencies, make a determination if the separation was for cause not attributable to the employer and, if so, file a protest with IWD within 10 days of the date the claim notice was mailed. Agencies not covered by the State's service contract are responsible for filing their own protests with IWD.
- When a claim is protested, IWD will hold a fact-finding interview. Employers Edge will contact participating agencies about the fact-finding interview, while IWD will notify agencies not participating in the contract directly. Fact-finding interviews are informal and held by telephone, unless otherwise requested. The employee's supervisor, or an agency representative familiar with the employee's separation, should participate in the interview. Additional information concerning the fact-finding interview is provided below.
  - Have necessary documentation/records available at the interview. An IWD claims deputy will take statements from the employee and the employee's former supervisor regarding the circumstances surrounding the separation. Employers Edge does not represent agencies at this step in the process but will counsel agencies concerning preparation for the interview.
  - Participating agencies should contact Employers Edge if they are unable to attend a scheduled interview. Agencies not covered by the contract should contact IWD directly.
  - If an interview cannot be rescheduled, a letter may be sent to IWD with the appropriate documents explaining the circumstances surrounding separation. The information must be sent to the IWD office where the interview has been scheduled and must be received prior to the date and time of the interview.
  - Agencies should request that the Claims Deputy provide them with copies of all signed statements and any other written documents that were introduced during the interview. Participating agencies should forward this information immediately to Employers Edge.
  - The agency representative should inform the Claims Deputy of any vacation pay paid to the employee at separation and the date employment would have had to be extended to pay out the vacation on a bi-weekly basis.
- If either the employee or agency disagrees with the Claims Deputy's decision, they may appeal it to an administrative law judge (ALJ), who will hold a contested case hearing. Employers Edge handles contested case hearings for participating agencies, while agencies not covered by the contract must handle their own hearings. Employers Edge should be provided with copies of all documentation relevant to the case and will discuss the case with agency management, including assisting in the selection of witnesses, prior to the scheduled hearing. Additional information concerning the hearing is provided below.

- Proceedings will be tape recorded and conducted by telephone or in person. The hearing will include the swearing in of witnesses, cross-examination, and other evidentiary procedures.
  - In discharge hearings, the ALJ will determine if the discharge was based on just cause, even if the employee's position or status was not covered by the just cause standard.
  - The demeanor of witnesses will influence the ALJ. Therefore, clarity, conciseness and sticking to the facts are beneficial to the agency's case. Argumentative behavior, interrupting the employee (except to note an objection) and name-calling could damage the employer's case.
  - During cross-examination, do not ask questions or fish for responses when it is uncertain how the employee will answer.
- Either party may appeal the ALJ's decision to the Employment Appeal Board in the Department of Inspections and Appeals. Employers Edge, if requested, will file the appeal for participating agencies. The appeal board rules on the tape-recorded record made by the ALJ and does not take additional testimony. This appeal is the final administrative remedy. A petition for judicial review of the Appeal Board's decision may be filed with the District Court.